

PUBLIC CHAPTER NO. 372**HOUSE BILL NO. 321****By Representatives John DeBerry, Shaw****Substituted for: Senate Bill No. 621****By Senator Woodson**

AN ACT to amend Tennessee Code Annotated, Section 36-1-102(41); Section 36-1-113; Section 36-1-115; Section 36-1-116; Section 37-1-104; Section 37-1-130; Section 37-1-132; Section 37-1-806; Section 37-2-403; Section 37-2-409 and Section 37-2-416, relative to juvenile court, adoption, and guardianship of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 36-1-113(b) is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The prospective adoptive parent(s), including extended family members caring for a related child, any licensed child-placing agency having custody of the child, the child's guardian ad litem, or the department shall have standing to file a petition pursuant to this part or pursuant to Title 37 to terminate parental or guardianship rights of a person alleged to be a parent or guardian of such child. The prospective adoptive parents, including extended family members caring for a related child, shall have standing to request termination of parental or guardianship rights in the adoption petition filed by them pursuant to this part.

SECTION 2. Tennessee Code Annotated Section 36-1-113(m) is amended after the words and punctuation "adopt the child," and before the words and punctuation "as the case may be," by adding the words and punctuation "or to any permanent guardian who has been appointed pursuant to Title 37, Chapter 1, Part 8,".

SECTION 3. Tennessee Code Annotated Section 37-1-130(a)(2) is amended by deleting the words "to any of the following" and by substituting instead the following words "or grant permanent guardianship in accordance with Title 37, Chapter 1, Part 8 to any of the following".

SECTION 4. Tennessee Code Annotated Section 37-1-132(a) is amended by deleting "§ 37-1-131(a)(2), (5), or (7) and by substituting instead "§ 37-1-131(a)(1), (2), (5), or (7)."

SECTION 5. Tennessee Code Annotated Section 37-1-806(a) is amended after the words and punctuation “permanent guardian,” and before the words “if the child is sixteen” by adding the words “by the child”.

SECTION 6. Tennessee Code Annotated Section 37-1-806 is amended by adding the following language as a new subsection (g):

(g) If a child is in partial or permanent guardianship of the department pursuant to Title 36, that guardianship may be transferred to a permanent guardian pursuant to this section with the consent of the guardian.

SECTION 7. Tennessee Code Annotated Section 37-2-403(a)(1)(B), (C) and (D), are amended by deleting the paragraphs in their entirety and by substituting instead the following:

(B) Permanent placement of the child with a fit and willing relative(s) of the child;

(C) Adoption, giving appropriate consideration to §36-1-115(g) when applicable;

(D) Permanent guardianship; or

(E) Planned permanent living arrangement.

SECTION 8. Tennessee Code Annotated Section 37-2-403(a)(4)(B)(ii), (iii), (iv), and (v) are amended by deleting the paragraphs in their entirety and by substituting instead the following:

(ii) Permanently place the child with a fit and willing relative(s) of the child;

(iii) Pursue adoptive placement;

(iv) Pursue permanent guardianship; or

(v) Provide a planned permanent living arrangement for the child.

SECTION 9. Tennessee Code Annotated Section 37-2-403(b)(2) (A), (B), and (C) are amended by deleting the paragraphs in their entirety and by substituting instead the following:

(A) Permanent placement of the child with a fit and willing relative(s) of the child;

(B) Adoption, giving appropriate consideration to §36-1-115(g) when applicable;

(C) Permanent guardianship; or

(D) Planned permanent living arrangement.

SECTION 10. Tennessee Code Annotated Section 37-2-409(b)(1)(B), (C), (D), (E), and (F) are amended by deleting the paragraphs in their entirety and by substituting instead the following:

(B) Permanent placement of the child with a fit and willing relative(s) of the child;

(C) Adoption, giving appropriate consideration to §36-1-115(g) when applicable;

(D) Permanent guardianship; or

(E) Planned permanent living arrangement.

SECTION 11. Tennessee Code Annotated Section 37-2-416 is amended by designating the current language as subsection (a) and by adding the following language as a new subsection (b):

(b) At each hearing, the court shall determine whether the department has complied with the provisions of this section.

SECTION 12. This act shall take effect on July 1, 2007, the public welfare requiring it.

PASSED: May 24, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2007


PHIL BREDESEN, GOVERNOR

